

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

ALBERT SIDNEY JOHNSTON Chapter	§	
No. 2060, United Daughters of the		
Confederacy, ROBIN TERRAZAS,	§	
President, JEAN CAROL LANE, First		CIVIL ACTION NO.
Vice-President	§	SA-17-CV-1072-DAE
 v.	§	
 THE CITY OF SAN ANTONIO	§	

**PLAINTIFFS' OPPOSED MOTION FOR LEAVE  
TO DESIGNATE EXPERT**

Plaintiffs, the Albert Sidney Johnston Chapter, submits this Motion For Leave to Designate Expert, and shows as follows:

1. Discovery in this matter ended Sept. 21, 2018. The deadline to designate experts expired on Aug. 23, 2018. But, since discovery ended, it has become apparent through mediation and follow-on discussions that the City will oppose replacing the Confederate Memorial back in Travis Park, regardless of the outcome of the trial. It has become apparent to Plaintiffs, therefore, that they may well lose the right to use the center of Travis Park even if they prevail at trial. It would, therefore, be helpful to the Court to have an expert who can address the value of the right to use that center of Travis Park. If Plaintiffs prevail, they will ask that the memorial be replaced back in Travis Park, or in the alternative, they be awarded compensation for losing their right to use of the center of Travis Park.

2. The Plaintiff moves to designate John Baines as an expert realtor in San Antonio. He has engaged in commercial and ranch realty in and around San Antonio since 1972. He is also the Founder and Chairman of the Viet Nam Veterans of San Antonio, a non-profit which raised the money for the Viet Nam War memorial downtown.

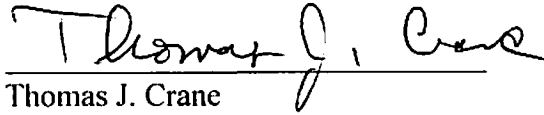
3. It was not apparent that the City would oppose replacing the Memorial before the parties mediated this matter. Mediation occurred on March 19, 2019. The parties engaged in settlement discussions as recently as Dec. 13, 2019.

**Conference**

Plaintiff conferred with the Defendant regarding this motion. Defendant indicated it would oppose this motion.

WHEREFORE, Plaintiffs pray that the Court allow the designation of an expert regarding the value of Plaintiff's right to use the center of Travis Park for the Confederate Memorial; and for all relief, at law and in equity, to which it may justly be entitled.

Respectfully submitted,



Thomas J. Crane

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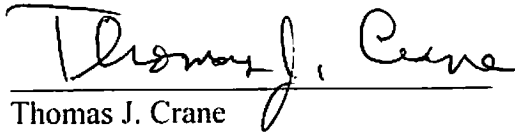
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Attorney for Plaintiff

Certificate of Service

I certify that a true copy of the foregoing instrument was electronically filed on the 15<sup>th</sup> day of January, 2020 with the Clerk of Court using the CM/ECF system which will send notice of such filing to the following counsel:

Shawn Fitzpatrick  
Fitzpatrick & Kosanovich  
P.O. Box 831121  
San Antonio, Texas 78283-1121



Thomas J. Crane

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**ORDER**

On this came to be heard the Plaintiffs' Motion for Leave to Designate Expert. Having heard argument of counsel and reviewed the motion and attachments, it appears that the motion does have merit.

It is therefore:

ORDERED that the Plaintiffs be allowed to designate John Baines as an expert in commercial realty. Plaintiffs must produce Mr. Baines' report within 30 days of this order.

**SIGNED AND ENTERED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
DAVIND A. EZRA  
UNITED STATES DISTRICT JUDGE